

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 9-20 are cancelled. Claims 1-8 and 21-36 remain in this application and, as amended herein, are submitted for the Examiner's reconsideration.

The specification has been amended to better conform to the requirements of U.S. practice. No new matter has been added by these amendments.

Claims 2-4, 6-8, 22-24, 26-28, 30-32, and 34-36 have been amended solely to have the claims better conform to the requirements of U.S. practice. None of these amendments is intended to narrow the scope of any of these claims, and no new matter has been added by these amendments.

In the Office Action, claims 18-20 and 33-36 were rejected under 35 U.S.C. § 101. Claims 18-20 are cancelled, and claims 33-36 have been amended to more clearly show that the claims cover statutory subject matter. Applicant therefore submits that claims 33-36 are in full compliance with the requirements of 35 U.S.C. § 101.

Turning now to the art rejections, claims 1-3, 5-7, 21-23, 25-27, 29-31, and 33-35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Menez (U.S. Patent Application Publication No. 2003/0115606) in view Sakamoto (Japanese Publication No. JP 09-162821). Applicant submits that the claims are patentably distinguishable over the relied on sections of the references.

Independent claims 1, 5, 21, 25, 29, and 33 have been amended to more clearly show the differences between the claimed features and the relied on art. No new matter has been added by these changes. Support for these changes is found, e.g., in Figs. 2, 3 and 7 and on pages 18-20 and 24-26 of the specification.

As amended herein, claim 1 recites:

a combining unit that combines the program content and the trigger content and transmits the combined content over the first broadcast channel[.]

(Emphasis added.) Neither the relied on sections of Menez nor the relied on sections of Sakamoto disclose or suggest combining program content and trigger content (that serves as a trigger for reproducing transaction content). Moreover, neither the relied on sections of Menez nor the relied on sections of Sakamoto disclose or suggest transmitting such combined content over a first broadcast channel.

Rather, such sections of Menez simply describe receiving digitally encoded programs and associated program information from a digital broadcast facility and/or from a digital cable broadcast facility. (See ¶ [0019].) The relied on sections of the reference are not at all concerned with combining digitally encoded programs and content that serves as a trigger for reproducing transaction content.

The relied-on sections of Sakamoto do not overcome the deficiencies of the relied-on sections of Menez.

It follows, for at least these reasons, that neither the relied on sections of Menez nor the relied on sections of Sakamoto, whether taken alone or in combination, disclose or suggest the system set out in claim 1. Claim 1 is therefore patentably distinct and unobvious over the relied on references.

Independent claims 5, 21, 25, 29, and 33 each call for features similar to those set out in the above excerpts of claim 1 and are therefore each patentably distinct and unobvious over the relied on sections of Menez and Sakamoto at least for the same reasons.

Claims 2-3 depend from claim 1, claims 6-7 depend from claim 5, claims 22-23 depend from claim 21, claims 26-27 depend from claim 25, claims 30-31 depend from claim 29, and

claims 34-35 depend from claim 33. Therefore, each of these claims is distinguishable over the relied on art for at least the same reasons as the claim from which it depends.

Claims 4, 8, 24, 28, 32, and 36 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Menez in view of Sakamoto and further in view of Rao (International Publication No. WO 98/28869). Applicant submits that the claims are patentably distinguishable over the relied on sections of the references.

Claim 4 depends from claim 1, claim 8 depends from claim 5, claim 24 depends from claim 21, claim 24 depends from claim 21, claim 28 depends from claim 25, claim 32 depends from claim 29, and claim 36 depends from claim 33. Therefore, each of the claims is distinguishable over the relied-on sections of Menez and Sakamoto for at least the same reasons.

The relied-on sections of Rao do not overcome the deficiencies of the relied-on sections of Menez and Sakamoto.

Claims 9-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Menez in view of Rao. Claims 9-20 are cancelled.

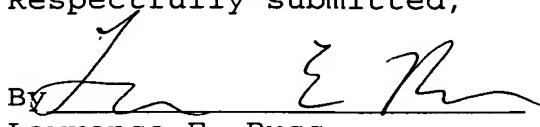
Accordingly, Applicant respectfully requests the withdrawal of the rejections under 35 U.S.C. §§ 101 and 103(a).

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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